

KENTUCKY BOARD OF NURSING
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ADVISORY OPINION STATEMENT

**EMPLOYMENT OF NURSING STUDENTS¹ AS NURSING PERSONNEL USING
EITHER AN ACADEMIC OR A “NURSE EXTERN” SERVICE MODEL**

Introduction

The Kentucky Board of Nursing is authorized by Kentucky Revised Statutes Chapter 314 to regulate nurses, nursing education and practice, and to issue advisory opinions on nursing practice, in order to assure that safe and effective nursing care is provided by nurses to the citizens of the Commonwealth. The Board issues advisory opinions as to what constitutes safe nursing practice. As such, an opinion is not a regulation of the Board and does not have the force and effect of law. It is issued as a guidepost to licensees who wish to engage in safe nursing practice.

The Board frequently receives inquiries regarding appropriate utilization, employment, and delegation of acts to individuals who are employed as nursing personnel and are coincidentally enrolled in or have completed a portion of a prelicensure nursing education program. In addition, employers have expressed interest in developing positions and job descriptions whereby these individuals can gain additional clinical practice to enhance their preparation as future licensed nurses, and also be recruited as future licensed nursing staff.

In order to address these inquiries, the Board, through the Practice Committee, researched this issue by reviewing applicable statutes and administrative regulation (201 KAR 20:400 Delegation of nursing tasks; (a copy is attached), and subsequently issued this advisory opinion statement.

Applicable Statutes, Regulations, and Nurse Accountability and Responsibility

The *Kentucky Nursing Laws* require that anyone practicing nursing in Kentucky hold either a current active Kentucky nursing license or temporary work permit. A relevant exception to the mandatory licensure requirement is for nursing students enrolled in approved prelicensure nursing education programs. KRS 314.101(1) states:

¹ “Nursing Students” for the purpose of this statement means individuals currently enrolled in a prelicensure nursing education program approved by the Board.

This chapter does not prohibit: ... the practice of nursing which is incidental to their program of study by individuals enrolled in nursing education and refresher courses approved by the board or in graduate programs in nursing ...

Subsequently, a nursing student may practice nursing when such practice:

- (a) Is an organized portion of a Board approved prelicensure nursing education program;
- (b) Occurs under the supervision of approved faculty of the prelicensure education program; and
- (c) Is appropriate for the educational preparation of the student at that point in the program.

"Registered nursing practice," "advanced registered nursing practice," and "licensed practical nursing practice" are defined in KRS 314.011(6), (8), and (10) respectively.

KRS 314.011(13) defines "nursing assistance" as:

... the performance of delegated nursing acts by unlicensed nursing personnel for compensation under supervision of a nurse.

KRS 314.011(2) defines "delegation" as:

...directing a competent person to perform a selected nursing activity or task in a selected situation under the nurse's supervision and pursuant to administrative regulations promulgated by the board in accordance with the provisions of KRS Chapter 13A. (Reference: 201 KAR 20:400 Delegation of nursing)

A nurse who allows an unlicensed person to perform acts contrary to 201 KAR 20:400 (e.g., acts for which he/she is not educationally prepared and clinically competent to perform) may be subject to disciplinary action.

KRS 314.021(2) holds all nurses responsible and accountable for making decisions that are based upon the individuals' educational preparation and experience in nursing, and requires licensees to practice nursing with reasonable skill and safety. Further, KRS 314.021(2) holds nurses individually responsible and accountable for rendering safe, effective nursing care to clients and for judgments exercised and actions taken in the course of providing care.

Advisory Opinion

While the Board strongly supports the development of employment opportunities which would enhance the experiential preparation of prelicensure nursing students, the Board must assure that safe and effective nursing care is provided for the citizens of the Commonwealth, and enforce the statutes governing nursing licensure, education and practice. It is the advisory opinion of the Board that these employment opportunities and goals could be accomplished through various models, including the following:

- **MODEL ONE – AN INDEPENDENT STUDY ACADEMIC COURSE MODEL.** This model is based on KRS 314.101(1) and on the establishment of an independent study academic course that includes employment of nursing students as nursing staff in a health care facility. Such a course is developed collaboratively by nursing administrators of health care facilities and nursing educators of prelicensure nursing

programs, and is governed by a contractual agreement. A goal of the course is to provide enrichment experiences for nursing students to practice nursing that is appropriate for the educational level of the student, under the supervision of designated faculty.

- **MODEL TWO – A “NURSE EXTERN” OR SERVICE MODEL.** The administrative regulation 201 KAR 20:400 Delegation of nursing tasks, permits the delegation of select nursing tasks to persons who provide nursing assistance, and who possess current knowledge and skill proficiency to perform the tasks in a safe, effective manner. Model Two would be based on a specifically designed employer position description for employees who are also nursing students.

The Board advises that the title given to this position be standardized throughout the state and recommends the title be “Nurse Extern”.²

The nurse extern would provide nursing assistance under the continuous, direct, onsite supervision of a registered nurse. The nurse should be immediately available and assigned to the unit with the employee. A licensed practical nurse may participate with the registered nurse in providing supervision of a practical nursing student/nurse extern.

If qualified, the nurse extern may perform acts that are routinely a part of any nursing assistant’s job description. Nurse externs may also perform additional acts that have been taught in their nursing education program provided that they are individually educationally prepared and clinically competent to perform the acts. The employer should have the employee/student provide an official copy (sent by the school directly to the employer) of the student’s skills performance evaluation documenting the skills that the student has successfully completed in his/her program of nursing. The employer should verify that the student is currently enrolled in the program of nursing.

It is incumbent upon the employer to independently verify and document the competencies of the student to successfully perform the acts that are included in a nurse extern position description. The position description may include the performance of specific acts to directly assist the supervising nurse, but may not include the administration of medications³, receipt of verbal orders, or require the individuals to independently assume the role, function or responsibility of licensed personnel. Nurse externs may not substitute for licensed nursing staff.

² The Board has reserved the title or reference to “nurse intern/internship” for use by graduates of pre-licensure programs of nursing who are completing a concentration clinical practice component. In addition, the Board has reserved the reference to a “preceptorship” for currently enrolled nursing students who are completing a concentrated clinical practice component that is required of the program of nursing.

³ Based on 902 KAR 20:016 governing the operations and services of hospitals, only nurses, physicians, dentists, physician assistants or paramedics shall administer medications in hospitals. Based on 902 KAR 20:048 governing the operation and services of nursing homes, select medications may be administered by a qualified medication aide (medication technician) under the supervision of a nurse. If a nurse extern is qualified as a medication aide, then the extern may administer medications in that capacity if permitted by the employing facility.

KRS Chapter 314

A copy of the *Kentucky Nursing Laws*, KRS Chapter 314, may be purchased from the Kentucky Board of Nursing office.

Approved: 12/87

Revised: 4/93; 4/01; 2/02; 2/05

Attachment: 201 KAR 20:400, eff. 8-13-03

1 **201 KAR 20:400. Delegation of nursing tasks.**

2 RELATES TO: KRS 311A.170, 314.011, 314.021(2), 314.091(1)

3 STATUTORY AUTHORITY: KRS 314.131(1)

4 NECESSITY, FUNCTION, AND CONFORMITY: KRS 314.131(1) authorizes the board
5 to promulgate administrative regulations necessary to implement KRS Chapter 314. KRS
6 314.091(1)(d) prohibits a person from negligently or willfully acting in a manner
7 inconsistent with the practice of nursing. This administrative regulation establishes
8 requirements that govern the delegation of a nursing task in a safe, effective manner so as
9 to safeguard the health and welfare of the citizens of the Commonwealth.

10 Section 1. Definitions. (1) "Board" is defined in KRS 314.011(1).

11 (2) "Client" means a patient, resident or consumer of nursing care.

12 (3) "Competence" means performing an act in a safe, effective manner.

13 (4) "Delegatee" means a person to whom a task is delegated.

14 (5) "Delegator" means the nurse delegating a task to another person.

15 (6) "Nurse" is defined in KRS 314.011(3).

16 (7) "Nursing task" means an act included in the definition of registered nursing practice,
17 advanced registered nursing practice, or licensed practical nursing practice pursuant to
18 KRS 314.011(6), (8), or (10).

19 (8) "Paramedic" is defined in KRS 311A.010.

20 (9) "Supervision" means the provision of guidance by a qualified nurse for the
21 accomplishment of a nursing task with periodic observation and evaluation of the
22 performance of the task including validation that the nursing task has been performed
23 according to established standards of practice.

24 (10) "Unlicensed person" means an individual, other than a nurse, the client, or the
25 client's family, legal guardian, or delegatee, who functions in an assistant or subordinate
26 role to the nurse.

27 Section 2. Nurse's Responsibility in Delegation. (1) A registered nurse or a licensed
28 practical nurse may delegate a task to an unlicensed person in accordance with this
29 section and Sections 3 and 4 of this administrative regulation.

(2) A registered nurse may delegate a task to a paramedic employed in a hospital emergency department in accordance with KRS 311A.170 and Sections 3 and 4 of this administrative regulation.

(3) Prior to delegating a nursing task, the nurse shall determine the nursing care needs of the client. The nurse shall retain responsibility and accountability for the nursing care of the client, including nursing assessment, planning, evaluation and assuring documentation.

(4) The nurse, prior to delegation to an unlicensed person, shall have either instructed the unlicensed person in the delegated task or determined that the unlicensed person is competent to perform the nursing task.

(5) A nursing task shall be delegated directly or indirectly. An indirect delegation shall not alter the responsibility of the nurse for appropriately assigning and supervising an unlicensed person.

(6) A nurse who delegates a nursing task in violation of this administrative regulation or participates in the utilization of an unlicensed person in violation of this administrative regulation shall be considered acting in a manner inconsistent with the practice of nursing.

Section 3. Criteria for Delegation. The delegation of a nursing task shall meet the following criteria:

(1) The delegated nursing task shall be a task that a reasonable and prudent nurse would find is within the scope of sound nursing judgment and practice to delegate.

(2) The delegated nursing task shall be a task that, in the opinion of the delegating nurse, can be competently and safely performed by the delegatee without compromising the client's welfare.

(3) The nursing task shall not require the delegatee to exercise independent nursing judgment or intervention.

(4) The delegator shall be responsible for assuring that the delegated task is performed in a competent manner by the delegatee.

Section 4. Supervision. (1) The nurse shall provide supervision of a delegated nursing task.

(2) The degree of supervision required shall be determined by the delegator after an evaluation of appropriate factors involved including the following:

(a) The stability and acuity of the client's condition;

(b) The training and competency of the delegatee;

- 64 (c) The complexity of the nursing task being delegated; and
- 65 (d) The proximity and availability of the delegator to the delegatee when the nursing task
- 66 is performed. (19 Ky.R. 1242; eff. 1-27-93; Am. 25 Ky.R. 2189; 2546; eff. 5-19-99; 29
- 67 Ky.R. 2947; eff. 8-13-03.)

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